

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA

vs.

NANCY PHON

SOK BUN

a/k/a "FRIDAY"

PAUL RAY DAVIS

a/k/a "POP"

JHON MARLON ACOSTA

JAMES ROBERT PETERSON

HEATHER NICOLE RUDICILL

BEAB KEO

a/k/a "MA"

TERRI DIANNE NEWMAN

SOKHA KAO AUN

ROBERT EARL FLOYD

DAVID ELIJAH ALLEN

JESSICA LYNN GORDON

SAMUEL TRAVIS WIGGINS

a/k/a "FLASH"

MELANIE RENEE WIGGINS

JONATHAN BRENT MARTIN

) CR. NO.:

7:16cr705

) 21 U.S.C. § 841(a)(1)

) 21 U.S.C. § 841(b)(1)(A)

) 21 U.S.C. § 841(b)(1)(B)

) 21 U.S.C. § 846

) 21 U.S.C. § 843(b)

) 21 U.S.C. § 853

) 21 U.S.C. § 881

) 18 U.S.C. § 2

) 18 U.S.C. § 981(a)(1)(C)

) 18 U.S.C. § 982(a)(1)

) 18 U.S.C. § 1956(h)

) 18 U.S.C. § 922(g)(1)

) 18 U.S.C. § 924(a)(2)

) 18 U.S.C. § 924(e)

) 18 U.S.C. § 924(c)(1)(A)

) 28 U.S.C. § 2461(c)

SEALED INDICTMENT

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THE GRAND JURY CHARGES:

Background

1. The South Carolina Department of Corrections ("SCDC") is an agency of the State of South Carolina and responsible for overseeing the operations of state prisons. Approximately 22,652 inmates are incarcerated in South Carolina state prisons.

2. Within the SCDC prison system, cellular telephones are considered contraband. Under the South Carolina Code of Laws Section 24-3-950, it is unlawful to provide an incarcerated SCDC inmate a cellular telephone and it is unlawful for an incarcerated SCDC inmate to possess a cellular telephone.

3. SCDC inmates frequently obtain cellular telephones while incarcerated. Many of the seized cellular telephones are the latest models that were equipped with touch screens and internet capabilities. Frequently, the seized cellular telephones have been smuggled into SCDC prisons by corrections officers, other prison employees or vendors in exchange for payment. In 2014 and 2015, SCDC officials seized more than 7,000 cellular telephones from inside South Carolina state prisons. Increasingly, SCDC inmates are obtaining and using cellular telephones to further their criminal activities while incarcerated. The possession of cellular telephones by SCDC inmates creates a significant risk to prison security and to public safety.

4. At all times relevant to this Indictment, SCDC inmates used contraband cellular telephones to organize and commit various criminal acts, including drug trafficking, with others inside and outside of prison.

5. At all times relevant to this Indictment, **PAUL RAY DAVIS, a/k/a “POP”, SOK BUN, a/k/a “FRIDAY”, JHON MARLON ACOSTA, JAMES ROBERT PETERSON** and **SAMUEL TRAVIS WIGGINS, a/k/a “FLASH”**, were incarcerated in SCDC prisons.

6. At all times relevant to this Indictment, **NANCY PHON, HEATHER NICOLE RUDICILL, BEAB KEO, a/k/a “MA”, TERRI DIANNE NEWMAN, SOKHA KAO AUN, ROBERT EARL FLOYD, DAVID ELIJAH ALLEN, JESSICA LYNN GORDON** and **MELANIE RENEE WIGGINS** were not incarcerated in SCDC prisons and each was an associate of one or more of the defendant inmates.

7. While inmates in SCDC prisons, **PAUL RAY DAVIS, a/k/a “POP”, SOK BUN, a/k/a “FRIDAY”, JHON MARLON ACOSTA, JAMES ROBERT PETERSON** and **SAMUEL TRAVIS WIGGINS, a/k/a “FLASH”**, coordinated a network of illegal drug suppliers and distributors that included, among others, **NANCY PHON, HEATHER NICOLE**

RUDICILL, BEAB KEO, a/k/a “MA”, TERRI DIANNE NEWMAN, SOKHA KAO AUN, ROBERT EARL FLOYD, DAVID ELIJAH ALLEN, JESSICA LYNN GORDON and MELANIE RENEE WIGGINS. With their assistance, **PAUL RAY DAVIS, a/k/a “POP”, SOK BUN, a/k/a “FRIDAY”, JHON MARLON ACOSTA, JAMES ROBERT PETERSON** and **SAMUEL TRAVIS WIGGINS, a/k/a “FLASH”,** routinely brokered illegal drug transactions and coordinated illegal drug shipments to and in this district.

COUNT 1

(Drug Trafficking Conspiracy)

8. The Grand Jury re-alleges and incorporates by reference Paragraphs 1 through 7, as if fully set forth herein.

9. That beginning at a time unknown to the grand jury, but beginning at least in or around March 2014, and continuing thereafter, up to and including the date of this Indictment, in the District of South Carolina and elsewhere, the defendants, **NANCY PHON, SOK BUN, a/k/a “FRIDAY”, PAUL RAY DAVIS, a/k/a “POP”, JHON MARLON ACOSTA, JAMES ROBERT PETERSON, HEATHER NICOLE RUDICILL, BEAB KEO, a/k/a “MA”, TERRI DIANNE NEWMAN, SOKHA KAO AUN, ROBERT EARL FLOYD, DAVID ELIJAH ALLEN, JESSICA LYNN GORDON, SAMUEL TRAVIS WIGGINS, a/k/a “FLASH”, MELANIE RENEE WIGGINS** and **JONATHAN BRENT MARTIN**, knowingly and intentionally did combine, conspire, agree and have tacit understanding with each other and with others, both known and unknown to the grand jury, to knowingly, intentionally and unlawfully possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance;

10. With respect to the defendants listed below, the amount involved in the conspiracy

attributable to each defendant as a result of his or her own conduct, and the conduct of other conspirators reasonably foreseeable to the defendant, is:

DEFENDANT	CONTROLLED SUBSTANCE	PENALTY
NANCY PHON	50 grams or more of methamphetamine	§ 841(b)(1)(A)
SOK BUN, a/k/a “FRIDAY”	50 grams or more of methamphetamine	§ 841(b)(1)(A)
PAUL RAY DAVIS, a/k/a “POP”	50 grams or more of methamphetamine	§ 841(b)(1)(A)
JHON MARLON ACOSTA	50 grams or more of methamphetamine	§ 841(b)(1)(A)
JAMES ROBERT PETERSON	50 grams or more of methamphetamine	§ 841(b)(1)(A)
HEATHER NICOLE RUDICILL	50 grams or more of methamphetamine	§ 841(b)(1)(A)
BEAB KEO, a/k/a “MA”	50 grams or more of methamphetamine	§ 841(b)(1)(A)
TERRI DIANNE NEWMAN	50 grams or more of methamphetamine	§ 841(b)(1)(A)
SOKHA KAO AUN	50 grams or more of methamphetamine	§ 841(b)(1)(A)
ROBERT EARL FLOYD	50 grams or more of methamphetamine	§ 841(b)(1)(A)
DAVID ELIJAH ALLEN	50 grams or more of methamphetamine	§ 841(b)(1)(A)
JESSICA LYNN GORDON	50 grams or more of methamphetamine	§ 841(b)(1)(A)
SAMUEL TRAVIS WIGGINS, a/k/a “FLASH”	50 grams or more of methamphetamine	§ 841(b)(1)(A)
MELANIE RENEE WIGGINS	50 grams or more of methamphetamine	§ 841(b)(1)(A)
JONATHAN BRENT MARTIN	5 grams or more of methamphetamine	§ 841(b)(1)(B)

All in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

COUNTS 2-9

(Possession with Intent to Distribute and Distribution)

THE GRAND JURY FURTHER CHARGES:

11. The Grand Jury re-alleges and incorporates by reference Paragraphs 1 through 7, as fully set forth herein.

12. On or about the dates set forth below, in the District of South Carolina, the defendants knowingly and intentionally and unlawfully did possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance;

13. With respect to the defendants listed below, the amount attributable to each defendant as a result of his or her own conduct, and for conduct the defendant aided and abetted, is:

COUNT	DATE	DEFENDANT	CONTROLLED SUBSTANCE	PENALTY
2	July 22, 2014	NANCY PHON SOK BUN, a/k/a “FRIDAY” BEAB KEO, a/k/a “MA” JAMES ROBERT PETERSON	50 grams or more of methamphetamine	§ 841(b)(1)(A)
3	July 31, 2014	SOK BUN, a/k/a “FRIDAY” TERRI DIANNE NEWMAN	50 grams or more of methamphetamine	§ 841(b)(1)(A)
4	September 3, 2014	NANCY PHON SOK BUN, a/k/a “FRIDAY” SOKHA KAO AUN	5 grams or more of methamphetamine	§ 841(b)(1)(B)

COUNT	DATE	DEFENDANT	CONTROLLED SUBSTANCE	PENALTY
5	December 10, 2014	NANCY PHON PAUL RAY DAVIS, a/k/a "POP" DAVID ELIJAH ALLEN JESSICA LYNN GORDON	50 grams or more of methamphetamine	§ 841(b)(1)(A)
6	May 14, 2015	SOK BUN, a/k/a "FRIDAY" JHON MARLON ACOSTA ROBERT EARL FLOYD	50 grams or more of methamphetamine	§ 841(b)(1)(A)
7	August 18, 2015	HEATHER NICOLE RUDICILL	5 grams or more of methamphetamine	§ 841(b)(1)(B)
8	April 12, 2016	NANCY PHON PAUL RAY DAVIS, a/k/a "POP" HEATHER NICOLE RUDICILL	50 grams or more of methamphetamine	§ 841(b)(1)(A)
9	June 3, 2016	SOKHA KAO AUN JONATHAN BRENT MARTIN	5 grams or more of methamphetamine	§ 841(b)(1)(B)

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNTS 10 – 18

THE GRAND JURY FURTHER CHARGES:

14. The Grand Jury re-alleges and incorporates by reference Paragraphs 1 through 7, as if fully set forth herein.

15. That on or about the dates set forth below, in the District of South Carolina, the defendants knowingly and intentionally did use a communication facility, to wit: a telephone and the United States Mail, to facilitate the commission of a felony under the Controlled Substances

Act, to wit, conspiracy to possess with intent to distribute and possession with intent to distribute and distribution of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846;

COUNT	DATE	DEFENDANT
10	July 22, 2014	NANCY PHON SOK BUN, a/k/a "FRIDAY" BEAB KEO, a/k/a "MA" JAMES ROBERT PETERSON
11	July 31, 2014	SOK BUN, a/k/a "FRIDAY" TERRI DIANNE NEWMAN
12	September 3, 2014	NANCY PHON SOK BUN, a/k/a "FRIDAY" SOKA KAO AUN
13	December 10, 2014	NANCY PHON PAUL RAY DAVIS, a/k/a "POP" DAVID ELIJAH ALLEN JESSICA LYNN GORDON
14	March 2, 2015	NANCY PHON JESSICA LYNN GORDON
15	May 14, 2015	SOK BUN, a/k/a "FRIDAY" JHON MARLON ACOSTA ROBERT EARL FLOYD
16	January 6, 2016	NANCY PHON PAUL RAY DAVIS, a/k/a "POP" HEATHER NICOLE RUDICILL
17	February 11, 2016	NANCY PHON PAUL RAY DAVIS, a/k/a "POP" HEATHER NICOLE RUDICILL
18	April 12, 2016	NANCY PHON PAUL RAY DAVIS, a/k/a "POP" HEATHER NICOLE RUDICILL

All in violation of Title 21, United States Code, Section 843(b), and Title 18, United States Code, Section 2.

COUNT 19

(Money Laundering Conspiracy)

THE GRAND JURY FURTHER CHARGES:

16. The Grand Jury re-alleges and incorporates by reference Paragraphs 1 through 7, as if fully set forth herein.

17. That beginning at a time unknown to the grand jury, but beginning at least in or around March 2014, and continuing thereafter, up to and including the date of this Indictment, in the District of South Carolina and elsewhere, the defendants, **NANCY PHON, PAUL RAY DAVIS, a/k/a "POP", HEATHER NICOLE RUDICILL, DAVID ELIJAH ALLEN** and **JESSICA LYNN GORDON**, knowingly and willfully did combine, conspire, agree and have tacit understanding with others, both known and unknown to the Grand Jury,

(a) to conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, including money transfers, cash withdrawals, and purchases of and deposits onto pre-paid cash cards, which in fact involved the proceeds of specified unlawful activity, that is narcotics trafficking in violation of Title 21, United States Code, Sections 841(a)(1) and 846, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, and further knowing that the transactions were designed, in whole and in part, to conceal and disguise the nature, the location, the source, the ownership, and the control of the property, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i);

(b) to knowingly engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is electronic transfers, such property having been derived from a specified unlawful activity, that is, narcotics trafficking in violation of Title 21,

United States Code, Sections 841(a)(1) and 846; and Title 18, United States Code, Section 1957;

All in violation of Title 18, United States Code, Section 1956(h).

COUNT 20

(Felon in Possession of Firearm)

THE GRAND JURY FURTHER CHARGES:

18. That on or about June 3, 2016, in the District of South Carolina, the Defendant, **JONATHAN BRENT MARTIN**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce, a firearm and ammunition, that is a 9mm Tec 9 semi-automatic pistol, which had been shipped and transported in interstate commerce;

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 924(e).

COUNT 21

(Possession of Firearm in Furtherance of Drug Trafficking)

THE GRAND JURY FURTHER CHARGES:

19. That on or about June 3, 2016, in the District of South Carolina, the Defendant, **SOKHA KAO AUN**, knowingly did possess a firearm in furtherance of a drug trafficking crime, which is prosecutable in a court of the United States;

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE

1. **DRUG OFFENSES:**

Upon conviction for felony violations of Title 21, United States Code, as charged in this Indictment, the defendants, **NANCY PHON, SOK BUN, a/k/a “FRIDAY”, PAUL RAY DAVIS, a/k/a “POP”, JHON MARLON ACOSTA, JAMES PETERSON, HEATHER NICOLE RUDICILL, BEAB KEO, a/k/a “MA”, TERRI DIANNE NEWMAN, SOKHA KAO AUN, ROBERT EARL FLOYD, DAVID ELIJAH ALLEN, JESSICA LYNN GORDON, SAMUEL TRAVIS WIGGINS, a/k/a “FLASH”, MELANIE RENEE WIGGINS** and **JONATHAN BRENT MARTIN**, shall, pursuant to 21 United States Code, Sections 853 and 881(a)(6), and Title 28, United States Code, Section 2461(c), forfeit to the United States all of the defendants’ right, title and interest in and to any property, real and personal,

- (a) constituting, or derived from any proceeds the defendant obtained, directly or indirectly, as the result of such violation(s) of Title 21, United States Code, and all property traceable to such property;
- (b) used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations of Title 21, United States Code;

2. **MONEY LAUNDERING OFFENSE:**

Upon conviction for one or more violations of Title 18, United States Code, Section 1956(h), as charged in this Indictment, the defendants, **NANCY PHON, PAUL RAY DAVIS, a/k/a “POP”, HEATHER NICOLE RUDICILL, DAVID ELIJAH ALLEN** and **JESSICA LYNN GORDON**, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(1), and Title 28, United States Code, Section 2461(c), any property, real or personal, involved in such offenses, and any property traceable to such property, including but not limited to the following:

3. PROPERTY:

A. CASH PROCEEDS/MONEY JUDGMENT:

A sum of money equal to all proceeds the Defendants obtained, directly or indirectly, from the Title 21 offenses and/or equal to all property involved in the money laundering offense charged in the Indictment, that is a minimum of \$500,000 and all proceeds traceable thereto, for which the Defendants are jointly and severally liable.

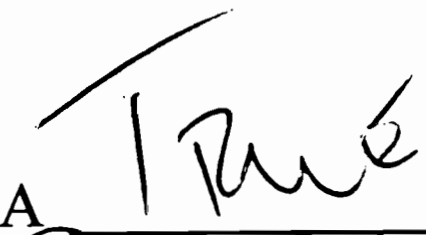
4. SUBSTITUTION OF ASSETS:

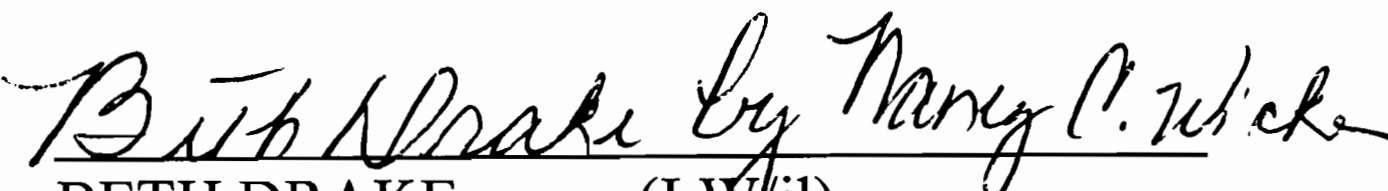
If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of defendant up to an amount equivalent to the value of the above-described forfeitable property;

Pursuant to Title 18 United States Code, Section 982(a)(1), Title 21, United States Code, Sections 853 and 881; and Title 28, United States Code, Section 2461(c).


 A _____ Bill
 REDACTED
 FOREPERSON


 BETH DRAKE (LW/jl)
 ACTING UNITED STATES ATTORNEY